

1 Amend 2 Cal. Code Regs. section 18747 as follows:

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3 **§18747. Influencing Prospective Employment.**

4 (a) No public official ~~subject to Government Code section 87407~~ shall “make,”
5 “participate in making,” or “use his or her official position to influence” any governmental
6 decision, as defined in 2 Cal. Code Regs. sections 18702.1, 18702.2, 18702.3, 18702.4, if the
7 decision directly relates to a prospective employer.

8 (b) A governmental decision “directly relates” to a prospective employer if the public
9 official knows or has reason to know:

10 (1) The prospective employer is “directly involved” in the decision, as defined in 2 Cal.
11 Code Regs. section 18704.1(a); or

12 (2) It is reasonably foreseeable that the financial effect of a decision on a prospective
13 employer is material as follows:

14 (A) For a business entity, the same as set forth in 2 Cal. Code Regs. section
15 18705.1(b)(c);

16 (B) For a nonprofit entity, the same as set forth in 2 Cal. Code Regs. section
17 18705.3(b)(2); or

18 (C) For an individual, the same as set forth in 2 Cal. Code Regs. section 18705.3(b)(3).

19 (c) A person is a “prospective employer” of a public official if the official, either
20 personally or through an agent, is “negotiating” or has an “arrangement” concerning prospective
21 employment with that person.

22 (1) A public official is “negotiating” employment when he or she interviews or discusses
23 an offer of employment with an employer or his or her agent.

1 (2) A public official has an “arrangement” concerning prospective employment when he
2 or she accepts an employer’s offer of employment.

3 (3) A public official is not “negotiating” or does not have an “arrangement” concerning
4 prospective employment if he or she rejects or is rejected for employment.

5 (d) Notwithstanding subdivision (a), the prohibitions of Government Code section 87407
6 do not apply if:

7 (1) The governmental decision will affect the prospective employer in substantially the
8 same manner as it will affect a “significant segment,” as set forth in 2 Cal. Code Regs. section
9 18707.1(b)(1), of the public generally;

10 (2) The public official is legally required to make or participate in the making of the
11 governmental decision within the meaning of Government Code section 87101 and 2 Cal. Code
12 Regs. section 18708; or

13 (3) The prospective employer is a state, local, or federal governmental agency.

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15 NOTE: Authority cited: Section 83112, Government Code.

16 Reference: Section 87407, Government Code.

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